

CABINET FOR HUMAN RESOURCES
COMMONWEALTH OF KENTUCKY
FRANKFORT 40621-0001



DEPARTMENT OF LAW

February 7, 1994

Mr. Michael L. Williams, Esq.
Assistant Public Advocate
Capital Trial Unit
Department of Public Advocacy
100 Fair Oaks Lane, Suite 302
Frankfort, Kentucky 40601

RE: Expert Assistance in Death Penalty Case

Dear Mr. Williams:

This is in response to your letter to Masten Childers of December 15, 1993, wherein you have requested the Cabinet for Human Resources to assign mental health clinical staff to assist you in two capital cases, one in Harlan County and the other in Knott County. In your letter you have outlined eight (8) specific areas for which you desire the assistance of the Cabinet.

The Cabinet is unable to provide you with the assistance you have requested in your letter because of both budgetary considerations and the need for the Cabinet to observe its objectivity in performing the court-ordered evaluations under the Kentucky Penal Code as specifically set forth by KRS 504.060-504.110. The Kentucky Correctional Psychiatric Center (KCPC) does perform court-ordered evaluations for individuals charged with felonies to ascertain competency to stand trial and the capacity of the defendant to appreciate the criminality of the defendant's conduct. Depending upon the clinician's conclusions, the evaluation may or may not favor the defendant.

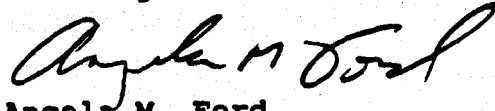
With regard to the areas you have specifically identified, the clinicians at KCPC who perform the court-ordered evaluation will review available and relevant background information that may have been prepared by other individuals, hospitals, doctors, mental health clinics, etc., and which could constitute useful input for the evaluation. The clinician is also available to consult with defense counsel about the evaluation process or to clarify the findings of the evaluation (if not prohibited by the court order), however, the clinician is not in a position to provide ongoing consultation with counsel for purposes of preparing for trial or developing defenses. Furthermore, KCPC does observe the confidentiality of records and information relating to defendants and consistent with any requirements which may exist in the court order for the evaluation.

Mr. Michael L. Williams
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Finally, this is to advise that Dr. Candace Walker is still employed as a staff psychiatrist at KCPC and will likely be assigned to perform any additional evaluation for Alfred Thomas given her prior involvement with his case. She will not, however, be able to assist you in the ways for which you have requested assistance.

Thank you for your interest in this matter.

Best regards,



Angela M. Ford
General Counsel

/tr

cc: Donald Ralph, Ph.D., Acting Commissioner
Gregory Taylor, Director, KCPC
William K. Moore, Jr., Deputy Counsel